

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

EUROPEAN COMMUNITY,	Plaintiff,	
v.		00 Civ. 6617 (NGG/VVP)
RJR NABISCO, INC., <i>et al.</i> ,	Defendants.	
DEPARTMENT OF AMAZONAS, <i>et al.</i> ,	Plaintiffs,	
v.		00 Civ. 2881 (NGG/VVP)
PHILIP MORRIS COMPANIES INC., <i>et al.</i> ,	Defendants.	00 Civ. 3857 (NGG/VVP)
		00 Civ. 4530 (NGG/VVP)
		(Consolidated)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, in accordance with the Memorandum of Law In Support of Defendants' Motion to Dismiss Under Rules 12(b)(1) and (b)(7) the Colombian Departments' Complaint for Lack of Subject Matter Jurisdiction and Lack of an Indispensable Party, the Declaration of Christopher D. Man and accompanying exhibits, the undersigned defendants will move this Court, before the Honorable Nicholas G. Garaufis, at the United States Courthouse, at a time and date to be set by the Court, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(7):

- (i) dismissing the Complaint in its entirety with prejudice; and
- (ii) granting such other and further relief as the Court deems just and proper.

Dated: January 29, 2001

Respectfully submitted,

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Philip Morris Products Inc.
Philip Morris Latin America
Sales Corporation
Philip Morris Duty Free, Inc.*

(Signing on behalf of all counsel)

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PHILIP MORRIS COMPANIES INC., *et al.*,

Defendants.

00 Civ. 2881 (NGG)

00 Civ. 4530 (NGG)

00 Civ. 3857 (NGG)

(Consolidated)

ORDER

WHEREAS, upon consideration of Defendants' Motion to Dismiss Under Rules 12(b)(1) and (b)(7) the Colombian Departments' Complaint for Lack of Subject Matter Jurisdiction and Lack of an Indispensable Party, served January 29, 2001, and any response thereto, IT IS HEREBY ORDERED that:

1. Defendants' Motion to Dismiss Under Rules 12(b)(1) and (b)(7) to Dismiss the Colombian Departments' Complaint for Lack of Subject Matter Jurisdiction and Lack of an Indispensable Party is GRANTED; and
2. Plaintiffs' Complaint is DISMISSED in its entirety with prejudice.

Dated: _____

Hon. Nicholas G. Garaufis, U.S.D.J.